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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,027	01/19/2001	David Cornelius	M-8823 US	7881
34036	7590	05/02/2006	EXAMINER	
SILICON VALLEY PATENT GROUP LLP 2350 MISSION COLLEGE BOULEVARD SUITE 360 SANTA CLARA, CA 95054			WILSON, ROBERT W	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/766,027

Applicant(s)

CORNELIUS ET AL.

Examiner

Robert W. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-11, 14-16, 35-37, 39-41, 43, 44 and 61-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-37, 43, 44 and 74 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 14-16, 39-41 and 61-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Allowable Subject Matter***

1. Claims 35-37, 43-44, & 74 are allowed.

The closest prior art is Pearce (U.S. Patent No.: 6,804,254). Pearce teaches: A method of sending telephony traffic over a packet switched network is shown in Fig 1 between two VoIP phones. 23 per Fig 1 which is a VoIP phone sends a UDP stream per Fig 1 or media stream to 2100 per Fig 1 or destination in a first port which is predetermined for receipt of UDP stream or media stream. 23 per Fig 1 which is a VoIP phone sends TCP per Fig 1 or control stream to 22 per Fig 1 or destination 2000 per Fig 1 or in a second port predetermined for receipt of call control signaling; wherein the control stream comprises a unique identifier of the source of the media stream (TCP packets inherently carry the TCP source address which is 200.50.10.2 or unique identifier; wherein at the 22 per Fig 1 or destination 2100 per Fig 1 or first port and 2000 per Fig 1 or second port have different port numbers from each other. Pearce teaches that PBX would be used in the event that non-IP telephones are used per col. 3 lines 12-30.

The following is an Examiner's statement of reasons for allowance:

Claims 35-37, 43-44, & 74 are considered allowable since when reading the claims in light of the specification, none of the references of record alone or in combination disclose or suggest the combination of limitations specified in the independent claims including "wherein the second control stream comprises a second unique identifier of the second media stream", as specified in claims 35 & 43.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3 & 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Pearce (U.S. Patent No.: 6,804,254)

Referring to claim 1, Pearce teaches: A method of sending telephony traffic over a packet switched network is shown in Fig 1 the method comprising: receiving a UDP stream per Fig 1 or media stream at a 2100 per fig 1 or destination in a first port which is predetermined for receipt of UDP stream or telephony data; wherein the UDP stream per Fig 1 or media stream originates from 23 per Fig 1 or source which is coupled via 3100 to inherent Packet switched network in 28 per Fig 1 to the 22 per Fig 1 or destination. Receiving TCP per Fig 1 or control stream at the 22 per Fig 1 or destination 2000 per Fig 1 or in a second port predetermined for receipt of call control signaling; wherein the control stream comprises a unique identifier of the source of the media stream (TCP packets inherently carry the TCP source address which is 200.50.10.2 or unique identifier; wherein at the 22 per Fig 1 or destination 2100 per Fig 1 or first port and 2000 per Fig 1 or second port have different port numbers from each other.

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In Addition Pearce teaches:

Regarding claim 2, UDP stream per Fig 1 or plurality of media streams.

Regarding claim 3, the unique source identifier is 3000 per Fig 1 and is inherently carried in TCP packets which are call control signals.

Regarding claim 6, unique id=3100 or source port of media stream per Fig 1.

Regarding claim 7, 200.50.10.30 =IP address

Regarding claim 8, 3100=source port id and 200.50.10.2=source IP address.

4. Claims 9-11 & 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce (U.S. Patent No.: 6,804,254) in view of Ong (U.S. Patent No.: 6,922,786)

Referring to claim 9, Pearce teaches: A method of limiting telephony traffic and sending call control traffic through a second path is shown in Fig 1 the method comprising:

receiving a UDP streams per Fig 1 or plurality of media streams at a 2100 per Fig 1 or destination in a first port which is predetermined for receipt of UDP stream or telephony data wherein the UDP stream per Fig 1 or media stream originates from 23 per Fig 1 or source which is coupled via 3100 to inherent Packet switched network in 28 per Fig 1 to the 22 per Fig 1 or destination. Receiving TCP per Fig 1 or control streams at the 22 per Fig 1 or destination 2000 per Fig 1 or in a second port predetermined for receipt of call control signaling wherein the control streams comprises a unique identifier of the source of the media stream (TCP packets inherently carry the TCP source address which is 200.50.10.2 or unique identifier; wherein at the 22 per Fig 1 or destination 2100 per Fig 1 or first port and 2000 per Fig 1 or second port have different port numbers from each other.

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Pearce does not expressly call for: a first hole in the firewall or a second hole in a firewall wall

Ong teaches: opening a hole in a firewall by filtering on port no. per col. 3 line 43-col. 4 line 67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the filtering on a port no. in order to create a first hole and second hole of Ong to the VoIP call control setup method of Pearce in order to create a secure environment for VoIP communication.

In Addition Pearce teaches:

Regarding claim 10, UDP stream per Fig 1 inherently comprises a plurality of packets.

Regarding claim 11, the unique source identifier is 3000 per Fig 1 and is inherently carried in TCP packets which are call control signals from the source over the call control traffic.

Regarding claim 14, unique id=3100 or source port of media stream per Fig 1.

Regarding claim 15, 200.50.10.30 =IP address

Regarding claim 16, 3100=source port id and 200.50.10.2=source IP address.

5. Claim 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce (U.S. Patent No.: 6,804,254) in view of Ong (U.S. Patent No.: 6,922,786)

Referring to claim 61, Pearce teaches utilizing PBXs (50 per Fig 1) for communication between non-IP networks per col. 3 lines 14-31. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a source private branch exchange and a destination private branch exchange in order to communicate between legacy equipment over and IP network.

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Pearce does not expressly call for: sending a plurality of control streams from the plurality of source private branch exchanges through a first hole in the firewall to a second port for control streams at the destination private branch exchange through a second hole in the firewall to the a second port for controls streams wherein the first port and the second port have port numbers different from each other and wherein each control stream comprises a unique identifier of at least one media steam.

Pearce teaches: in a second embodiment sending a UDP stream per Fig 1 or media stream to 2100 per Fig 1 or destination in a first port which is predetermined for receipt of UDP stream or telephony data wherein the UDP stream per Fig 1 or media stream originates from 23 per Fig 1 or source; sending TCP per Fig 1 or control stream to destination 2000 per Fig 1 or in a second port predetermined for receipt of call control signaling; wherein at the 22 per Fig 1 or destination 2100 per Fig 1 or first port and 2000 per Fig 1 or second port have different port numbers from each other; wherein the control stream comprises a unique identifier of the source of the media stream (TCP packets inherently carry the TCP source address which is 200.50.10.2 or unique identifier.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the VOIP processing of the second embodiment of Pearce to the non-IP processing using legacy equipment of Pearce per Fig 1 in order to send legacy voice traffic over a VoIP network.

Pearce does not expressly call for: first hole in a firewall and a second hole in a firewall

Ong teaches: opening a hole in a firewall by filtering on port no. per col. 3 line 43-col. 4 line 67.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add the filtering on a port no. in order to create a first hole and second hole of Ong to the VoIP call control setup method of Pearce in order to create a secure environment for processing VoIP calls.

In Addition Pearce teaches:

Regarding claim 40, UDP is used for media stream per Fig 1 to a first port

Regarding claim 41, TCP is used for control stream per Fig 1 to a second port for control stream

6. Claim 61-69 & 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce (U.S. Patent No.: 6,804,254) in view of Ong (U.S. Patent No.: 6,922,786)

Referring to claim 61, Pearce teaches a plurality of subscriber sets (54a, 54b per Fig 1) connected to PBX (50 per Fig 1) for non-IP networks per col. 3 lines 14-31. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a first PBX switch with subscribers or first plurality of handsets and a second PBX switch with different subscribers or second plurality of handsets in order to initiate a non-IP based communication. The second switch inherently receives a plurality of media streams and separates the packets into individual media streams in order for the invention to work.

Pearce does not expressly call for: wherein said communication comprises a plurality of media streams and a plurality of control signals from the first switch to a first port and a second port respectively at the second switch. The first port and the second port having port numbers different from each other; wherein each control signal comprises a unique identifier for one of the media streams or a firewall protecting the second switch wherein the plurality of media



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streams are received through a first hole in the firewall and the plurality of control signals are received through a second hole in the firewall

Pearce teaches: in a second embodiment that receiving a UDP stream per Fig 1 or media stream at a 2100 per Fig 1 or destination in a first port which is predetermined for receipt of

UDP stream or telephony data wherein the UDP stream per Fig 1 or media stream originates from 23 per Fig 1 or source; receiving TCP per Fig 1 or control stream at the 22 per Fig 1 or destination 2000 per Fig 1 or in a second port predetermined for receipt of call control signaling wherein the control stream comprises a unique identifier of the source of the media stream (TCP packets inherently carry the TCP source address which is 200.50.10.2 or unique identifier; wherein at the 22 per Fig 1 or destination 2100 per Fig 1 or first port and 2000 per Fig 1 or second port have different port numbers from each other.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the VOIP processing of the second embodiment of Pearce to the non-IP processing using legacy equipment of Pearce per Fig 1 in order to send legacy voice traffic over a VoIP network.

Pearce does not expressly call for: a firewall protecting the second switch wherein the plurality of media streams are received through a first hole in the firewall and the plurality of control signals are received through a second hole in the firewall.

Ong teaches: opening a hole in a firewall by filtering on port no. per col. 3 line 43-col. 4 line 67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the filtering on a port no. in order to create a first hole and second hole of Ong to the VoIP call control setup method of Pearce in order to create a secure environment for processing VoIP calls.

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In Addition Pearce teaches:

Regarding claim 63, voice or audio inherently carried in VoIP.

Regarding claim 64, video traffic inherently a type of VoIP data.

Regarding claim 65, voice and video traffic are inherently types of VoIP traffic..

Regarding claim 71, 3100=source port id and 200.50.10.2=source IP address.

Regarding claim 72, unique id=3100 or source port of media stream per Fig 1.

7. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce (U.S. Patent No.; (U.S. Patent No.: 6,804,254) in view of Ong (U.S. Patent No.: 6,922,786) further in view of Comer

Referring to claim 73, the combination of Pearce and Ong teaches: the system of claim 61, the combination of Pearce and Ong does not expressly call for: wherein said field in an RTP header of each packet is used to form the association between the packet and the media stream.

Comer teaches: RTP used for media streams per Pgs 542-551.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the RTP of Comer for media streams to the system of the combination of Pearce and Ong in order to be standards compliant.

***Response to Amendment***

8. Applicant's arguments with respect to claims 1-3, 6-11, 14-16, 35-37, 39-41, 43-44, & 61-74 have been considered but are moot in view of the new ground(s) of rejection.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

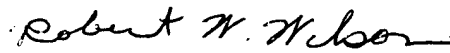
### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571/272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

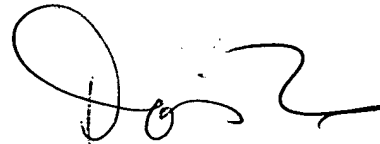
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Robert W Wilson  
Examiner  
Art Unit 2616

RWW  
4/18/06



DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600